



Application Serial No. 10/092,341

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Murphy, Timothy A.

Title: VEGETABLE OIL
BASED WAX
COMPOSITIONS

Application No.: 10/092,341

Filing Date: 03/05/2002

Examiner: Toomer, Cephia D.

Art Unit: 1714

Attorney Docket No.: 023829-0165

CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.	
EV 227049881 US (Express Mail Label Number)	January 9, 2004 (Date of Deposit)
Deborah A. Kocorowski (Printed Name)	
 (Signature)	

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.56

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 C.F.R. § 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 C.F.R. § 1.97 and § 1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 C.F.R. § 1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

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180.00 DP

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 C.F.R. § 1.97(c), before the mailing date of either a final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution in the application. A fee in connection with submission of an Information Disclosure Statement under 37 C.F.R. § 1.97(c) in the amount of \$180.00 in accordance with 37 C.F.R. § 1.17(p) is attached.

Applicant respectfully requests that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with M.P.E.P. § 609.

In addition to the references cited on the enclosed Form PTO/SB/08, it is Applicant's understanding that a triacylglycerol stock, which has composition substantially corresponding to that disclosed for Formulation I in Example 1 of U.S. 6,645,261, was sold in the United States prior to March 6, 2000.

It is also Applicant's understanding that candles formed from soybean oil-based waxes, which had compositions substantially corresponding to those described in Examples 2 and 3 of U.S. 6,645,261, were sold in the United States prior to March 6, 2000, by Self-Help Candleworks, Inc. (Cedar Rapids, Iowa).

It is Applicant's understanding that a container candle wax having characteristics substantially as shown below was sold and/or commercially sampled in the United States as early as October 2000. ("TAG" – Triacylglycerol; "TAG Composition" – fatty acid composition of TAG fraction; "Total TAG" – total TAG content; "MDP" – melting point).

	Container Candle Wax Blend
TAG Composition	
<u>≤ 14:0</u>	0.4 %
C16:0	16 %
C18:0	27-28 %
C18:1	52-53 %
C18:2	2-3 %
<u>≥ C20</u>	0.4 %
Total TAG	100 %
MDP	128°F
Iodine Value	circa 55

It is Applicant's understanding that a candle wax having characteristics substantially as shown below was sold and/or commercially sampled in the United States by Redwood Candle Company (Redwood Falls, Minnesota) as early as March 2001.

	Redwood Candle Wax Blend
TAG Composition	
C16:0	10-11 %
C18:0	31-32 %
C18:1	54-55 %
C18:2	1 %
Total TAG	99+ %
MDP	123°F
Iodine Value	48-50

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

Respectfully submitted,

Date

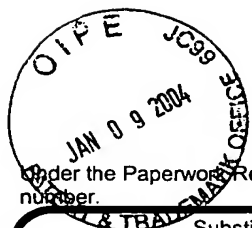
January 9, 2004

By

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MODIFIED PTO/SB/08 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Date Submitted: January 9, 2004

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	10/092,341
Filing Date	03/05/2002
First Named Inventor	Timothy A. Murphy
Group Art Unit	1714
Examiner Name	Toomer, Cephia D.
Attorney Docket Number	023829-0165

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	A1	6,645,261	B2	Murphy et al.	11/11/2003	
	A2	6,599,334	B1	Anderson	07/29/2003	
	A3	6,582,728	B1	Platz et al.	06/24/2003	
	A4	6,503,285	B1	Murphy	01/07/2003	
	A5	6,497,735	B2	Tao	12/24/2002	
	A6	6,258,965	B1	O'Lenick, Jr.	07/10/2001	
	A7	2003/0061760	A1	Tao et al.	04/03/2003	
	A8	2003/0022121	A1	Biggs	01/30/2003	
	A9	2003/0008257	A1	Tao	01/09/2003	
	A10	2001/0013195	A1	Tao	08/16/2001	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	A11							
	A12							
	A13							
	A14							
	A15							

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A16		
	A17		
	A18		
	A19		
	A20		

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.